

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Defendants.

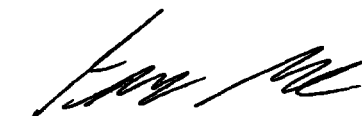
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TPI is also separately filing today its Third Amended Complaint, which incorporates the changes described in this Motion to Dismiss, by challenging CSXT's segment rate rather than the joint rate for Issue Movements involving the dismissed carriers. TPI requests that the Board dismiss the Complaint against GWRC, NERR, SGLR, and SBVR with prejudice. TPI requests that the Complaint against PVRP be dismissed without prejudice. Finally, TPI respectfully requests that the Board accept the Third Amended Complaint pursuant to 49 CFR § 1111.2(a).

In support of this Motion, TPI states that dismissal will simplify this proceeding by reducing the number of parties involved. Additionally, CSXT has previously stated that it would not object to dismissal of defendants and/or lanes. See letter from CSXT counsel to the Board (filed Oct. 29, 2010).

TPI is continuing to negotiate for contracts with several other short line railroad defendants. If those negotiations are successful, TPI will file another motion to dismiss, and a corresponding amended complaint.

Respectfully submitted,



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January 4, 2011

CERTIFICATE OF SERVICE

I hereby certify that this 4th day of January 2011, I served a copy of the foregoing upon Defendants in the following manner and at the addresses below:

Via e-mail and first-class mail to:

<p>G. Paul Moates Paul Hemmersbaugh Sidley Austin LLP 1501 K Street, NW Washington, DC 20005</p> <p>pmoates@sidley.com phemmersbaugh@sidley.com</p> <p><i>Counsel for CSXT</i></p>	<p>Eric Hocky Thorp Reed & Armstrong LLP One Commerce Square 2005 Market Street, Suite 1000 Philadelphia, PA 19103</p> <p>ehocky@thorpreed.com</p> <p><i>Counsel for New Hope & Ivyland Railroad; Seminole Gulf Railway, LP;</i></p>
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Via overnight carrier to:

Sequatchie Valley Railroad Attn. Dick Abernathy (President) 595 Minkslide Road Shelbyville, TN 37160	Lucinda K. Butler, Director South Branch Valley Railroad 120 Water Plant Drive Moorefield, WV 26836
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David E. Benz